

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| OLD REPUBLIC INSURANCE CO.,      | : | Civil Action               |
| Plaintiff,                       | : |                            |
|                                  | : |                            |
| v.                               | : | No. 02-5145 (consolidated) |
|                                  | : | Hon. Cynthia M. Rufe       |
|                                  | : |                            |
| LUMBERMENS MUTUAL CASUALTY CO.,  | : |                            |
| Defendant.                       | : |                            |
|                                  | : |                            |
| <hr/>                            |   |                            |
| OLD REPUBLIC INSURANCE CO.,      | : |                            |
| Plaintiff,                       | : |                            |
|                                  | : |                            |
| v.                               | : |                            |
|                                  | : |                            |
| THE VENATOR GROUP, INC. and FOOT | : |                            |
| LOCKER, INC.,                    | : |                            |
| Defendants.                      | : |                            |

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of Old Republic Insurance Company for Summary Judgment as to The Venator Group, Inc. and Foot Locker, Inc. and the opposition thereto; it is hereby ORDERED that said Motion is DENIED and that summary judgment is hereby GRANTED in favor of The Venator Group, Inc. and Foot Locker, Inc.

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Hon. Cynthia M. Rufe

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| Plaintiff,                       | : |                            |
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|                                  | : | Hon. Cynthia M. Rufe       |
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| LUMBERMENS MUTUAL CASUALTY CO.,  | : |                            |
| Defendant.                       | : |                            |
|                                  | : |                            |
| <hr/>                            |   |                            |
| OLD REPUBLIC INSURANCE CO.,      | : |                            |
| Plaintiff,                       | : |                            |
|                                  | : |                            |
| v.                               | : |                            |
|                                  | : |                            |
| THE VENATOR GROUP, INC. and FOOT | : |                            |
| LOCKER, INC.,                    | : |                            |
| Defendants.                      | : |                            |

ANSWER OF DEFENDANTS VENATOR  
GROUP, INC. AND FOOT LOCKER, INC. TO  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Defendants Venator Group, Inc. and Foot Locker, Inc., by their attorneys, Hecker Brown Sherry and Johnson LLP, hereby respond to Old Republic Insurance Company's Motion for Summary Judgment and in opposition thereto adopt and incorporate by reference their Answer and Memorandum of Law in Opposition to said Motion, including attachments, which was filed on April 3, 2003, and docketed at Document No. 28, as though set forth fully herein.

WHEREFORE, Venator Group, Inc. and Foot Locker, Inc. respectfully request that an Order be entered denying Old Republic Insurance Company's Motion for Summary Judgment and granting summary judgment in favor of Venator Group, Inc. and Foot Locker, Inc.

HECKER BROWN SHERRY AND JOHNSON LLP

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Peter C. Kennedy  
Attorney ID #46422  
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Philadelphia, PA 19103  
(215) 665-0400

Attorneys for Defendants  
Venator Group, Inc. and Foot  
Locker, Inc.

CERTIFICATE OF SERVICE

M. Jane Goode, attorney for defendants Venator Group, Inc. and Foot Locker, Inc., certifies that on this 21st day of November, 2003, she caused a true and correct copy of the attached Answer of Defendants Venator Group, Inc. and Foot Locker, Inc. to Plaintiff's Motion for Summary Judgment to be served upon the following via First Class, U.S. mail:

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M. Jane Goode